

Name of Debtor(s): Hart, Jeffrey M.  
Hart, Rhonda S.

Case No. BKY 04-44269

United States Bankruptcy Court District of Minnesota

MODIFIED Chapter 13 Plan

1. Payments by Debtor

- a. As of the date of this plan, the debtor has paid the Trustee \$350.00
- b. After the date of this plan, the debtor will pay the Trustee \$175.00 per month for 3 months, beginning within 30 days after the filing of this plan for a total of \$525.00
- c. The debtor will also pay the Trustee PLUS: \$525.00 for 55 months = \$28,875.00
- d. The debtor will pay the Trustee a total of \$29,750.00 (line 1a + line 1b = line 1c)

The debtors will timely file as and when due, without seeking extension of time, any and all post-petition federal income taxes and will timely pay any post petition federal income taxes. Should the debtors default on the timely filing of returns and/or payment of federal income taxes, the IRS will be entitled to an ex parte order for dismissal of the case without notice of hearing on the filing of an affidavit with the Court that attests to such default and also that the IRS had mailed a letter by first class mail to debtors and debtors' counsel that gave notice of said default and a 30 day period to cure and that such a cure had not been performed.

2. Payments by Trustee

The Trustee will make payments only to creditors for which proofs of claim have been filed, will make payments monthly as available, and collect the Trustee's percentage fee of 10% for a total of \$2704.00 (line 1d \* .10) or such lesser percentage as may be fixed by the Attorney general. for purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the Trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

3. Priority Claims

The Trustee shall pay in full all claims entitled to priority under Sec. 507, including the following. The amounts listed are estimates only. The Trustee will pay the amounts actually allowed.

Creditor	Est. Claim	Monthly Pay.	Beg. Mon.	No. of payments	TOTAL PAYMENT
a. Attorney Fees	\$1250.00	\$159.00	1	6	\$1250.00
b. Internal Revenue Service	\$7374.00	\$545.00	29	20	\$7374.00
c. Minnesota Department of Revenue					
TOTAL					\$8624.00

4. Long-Term Secured Claims not in Default

The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

- a. Ford Motor Credit Co. b.

5. Home Mortgages in Default (Sec. 1322(b)(5))

The Trustee will cure defaults (plus interest at the rate of 8 percent per annum) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. the debtor will maintain the regular payments which come due after the date the petition is filed. The creditors will retain their liens. The amounts of the default are estimates only. The Trustee will pay the actual amounts of default.

Creditor	Amt. of Default	Monthly Amt.	Beg. Mon.	No. of payments	TOTAL PAYMENT
a. Ameriquest Mortgage	\$1019.00	\$545.00	7	2	\$1019.00
TOTAL					\$1019.00

Regardless of statement above, no interest is to be paid.

6. Other Long-Term Secured Claims in Default (Sec. 1332(b)(5))

The Trustee will cure defaults (plus interest at the rate of 8 percent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimated only. The Trustee will pay the actual amounts of default.

Creditor	Amt. of Default	Monthly Amt.	Beg. Mon. #	No. of payments	TOTAL PAYMENT
a.					
TOTAL					\$0.00

## 7. Other Secured Claims Sec. 1325(a)(5)

The Trustee will make payments to the following unsecured creditors having a value of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their lien. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF-OF-CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 USC Sec. 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 USC Sec 506(a).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Amt.</i>	<i>Beg. Mon.</i>	<i>No. of payments</i>	<i>TOTAL PAYMENT</i>
a. IRS (Tax lien)	\$12,513.00	\$12,513.00	\$545.00	9	27	\$15122.00
TOTAL						\$15122.00

## 8. Separate Class of Unsecured Creditors

In addition to the class of unsecured creditors specified in paragraph 9, there shall be a separate class of nonpriority unsecured creditors described as follows:

- The debtor estimates that the total claims in this class are
- The Trustee shall pay this class **\$0.00**

## 9. Timely Filed Unsecured Creditors

The Trustee will pay holders of nonpriority unsecured claims for which Proofs-of-Claim forms were timely filed the balance of all payments received by the Trustee and not paid under paragraphs 2, 3, 5, 6, 7, and 8 their pro rata share of approximately **\$2,281.00** (line 1d minus lines 2, 3e, 5d, 6d, 7h, and 8b).

- The debtor estimates that the total unsecured claims held by creditors listed in paragraph 7 are
- The debtor estimates that the debtor's total unsecured claims (excluding those in paragraphs 7 and 8 are **\$32,709.00**
- The total estimated unsecured claims are **\$32,709.00** (line 9a + line 9b)

## 10. Tardily filed Unsecured Creditors

All money paid by the Debtor to the Trustee under paragraph 1, but not distributed by the Trustee under paragraphs 2,3,5,6,7,8 and 9 shall be paid to holders of nonpriority claims for which Proof-of-Claim forms were tardily filed.

## 11. Other Provisions

The Trustee can disburse any funds not specifically designed for a creditor at his discretion.

Upon completion of payment of the secured position of any claim, the property securing said claim shall vest in the debtor free and clear of any lien, claim or interest of the secured creditor.

**Except to the IRS.**

## 12. Summary of Payments

Trustee's Fee (Section 2 Total)	<b>\$2704.00</b>
Priority Claims (Section 3 Total)	<b>\$8624.00</b>
Home Mortgage Defaults (Section 5 Total)	<b>\$1019.00</b>
Long-Term Debt Defaults (Section 6 Total)	<b>\$0.00</b>
Other Secured Claims (Section 7 Total)	<b>\$15122.00</b>
Separate Class (Section 8 Total)	<b>\$0.00</b>
Unsecured Creditors (Section 9 Total)	<b>\$2281.00</b>
TOTAL (must equal line 1d)	<b>\$29750.00</b>

Dated October 25, 2004

**PRESCOTT AND PEARSON P.A.**

Jeffrey M Bruzek #319260

443 Old Highway 8, Suite 208

P.O. Box 120088

New Brighton, Minnesota 55112

(651) 633-2757

/e/ Jeffrey M. Hart

Signature of Debtor

/e/ Rhonda S. Hart

Signature of Joint Debtor (if any)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

HART, JEFFREY M.  
HART, RHONDA S.

BKY No. 04-44269  
Chapter 13

Debtor(s)

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**NOTICE OF HEARING TO APPROVE MODIFIED PLAN**

TO: The debtor(s); US Trustee; Chapter 13 Trustee; and creditors and parties in interest.

1. The debtor(s), by the undersigned attorney, moves the court for approval of the modified plan dated October 25, 2004.
2. The court will hold a hearing on this motion at 10:30 a.m. on November 18, 2004 in Courtroom No. 8W, U.S. Bankruptcy Court, U.S. Courthouse, 300 S. Fourth St., Minneapolis, MN 55415.
3. Any objection to this amended plan must be filed and delivered no later than 10:30 a.m. on November 12, 2004, which is 5 days before the time set for the hearing, or filed and served no later than November 10, 2004, which is 8 days before the date set for the hearing.
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sec 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. The petition commencing this Chapter 13 case was filed August 2, 2004. This case is now pending in this court.
5. The plan is being modified to satisfy the objections of the IRS.

Dated: October 25, 2004

**Prescott & Pearson, P.A.**

/s/ Richard J. Pearson

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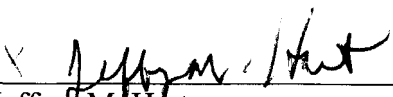
Jack L. Prescott #88079  
Richard J. Pearson #130308  
Attorneys for Debtor  
443 Old Highway Eight #208  
New Brighton, MN 55112-008  
Telephone: (651) 633-2757

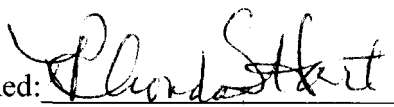
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## VERIFICATION

Jeffrey M. Hart and Rhonda S. Hart, the Debtor(s) named in the Motion, declare(s) under penalty of perjury that the information therein contained is correct to the best of our knowledge, information and belief.

Dated: October 25, 2004

Signed:   
Jeffrey M. Hart

Signed:   
Rhonda S. Hart

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

HART, JEFFREY M.  
HART, RHONDA S.

BKY No. 04-44269  
Chapter 13

Debtor(s)

**UNSWORN DECLARATION  
OF SERVICE**

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Lindy Voss, an employee at Prescott & Pearson, P.A., a law firm licensed to practice law in this court, with offices at 443 Eighth Avenue Northwest, New Brighton, Minnesota 55112, declares that on October 26, 2004, she served the annexed NOTICE OF HEARING TO APPROVE MODIFIED PLAN and MODIFIED CHAPTER 13 PLAN, upon each of the entities listed below or on the attached sheet by mailing to each of them a copy thereof by enclosing same in an envelope with first class postage prepaid and depositing same in the post office at New Brighton, Minnesota, addressed to each of them as listed.

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SEE ATTACHED LIST

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And he declares under penalty of perjury that the foregoing is true and correct.

Dated: October 26, 2004

/s/ Lindy Voss

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Lindy Voss

Jeffrey & Rhonda Hart  
707 Shady Ridge Rd  
Hutchinson, MN 55350

Hutchinson Medical Ctr  
3 Century Ave  
Hutchinson, MN 55350

William Dunbar MD  
1126 Ives Ave N  
Glencoe, MN 56302

Jasmine Z Keller  
12 S 6th St Ste 310  
Minneapolis, MN 55402

Internal Revenue Service  
Stop 5700  
316 N Robert St  
St Paul, MN 55101

US Atty  
600 US Courthouse  
300 S 4th St  
Minneapolis, MN 55415

US TRUSTEES OFFICE  
1015 US COURTHOUSE  
300 SOUTH 4TH STREET  
MINNEAPOLIS, MN 55415

JC Christensen & Assoc  
Po Box 519  
Sauk Rapids, MN 56379-0519

Internal Revenue Service  
Stop 5700  
316 N Robert St  
St Paul, MN 55101

McLeod Social Svcs  
1805 Ford Ave Ste 100  
Glencoe, MN 55336

Ameriquet Mortgage  
1100 Town & Country Rd Ste 200  
Orange, CA 92868

Millenium Credit  
Po Box 18160  
W St Paul, MN 55118

Ford Motor Credit Co  
3600 Minnesota Dr Ste 750  
Minneapolis, MN 55435

National Recoveries  
11000 Central Ave NE  
Blaine, MN 55434

Auto Express  
Hwy 7 West  
Hutchinson, MN 55350

New Life Trmt Center  
Po Box 38  
Woodstock, MN 55380

CLX Systems/Westwood Mgmt  
Po Box 125  
Medina, MN 55340-9625

Pinnacle Financial  
7825 Washington Ave S Ste 410  
Edina, MN 55439

Coborns  
c/o Mark Pitzele Atty  
1550 Uttica Ave S Ste 500  
St Louis Park, MN 55416

Richard D Seierstad Atty  
Po Box 570  
Sauk Rapids, MN 56379-0570

Hutchinson Area Healthcare  
1095 Hwy 155  
Hutchinson, MN 55350

St Cloud Hospital  
1409 St Germain St  
St Cloud, MN 56302

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: HART, JEFFREY M.  
HART, RHONDA S.

SIGNATURE DECLARATION

Debtor(s).

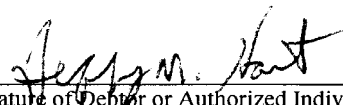
Case No. 04-44269

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☐ OTHER(Please describe)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

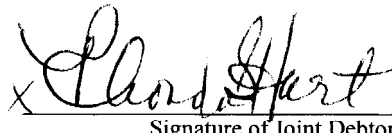
- The information I have given my attorney and provided in the electronically Filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: October 25, 2004

X   
\_\_\_\_\_  
Signature of Debtor or Authorized Individual

Jeffrey M. Hart

\_\_\_\_\_  
Printed Name of Debtor or Authorized Individual

X   
\_\_\_\_\_  
Signature of Joint Debtor

Rhonda S. Hart

\_\_\_\_\_  
Printed Name of Joint Debtor